IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Application No. 432 of 2006

Raveendra Kumar Sharma
S/o Sri Ved Prakash Sharma
R/o Mohalla Chauhanan
Jwalapur Paragna Jwalapur
Tehsil & District Haridwar .... Applicant

Vs

1. State of Uttaranchal
2. Chief Judicial Magistrate, Haridwar
3. Sandhya Sharma D/o Gopal Prasad Sharma
   R/o House No. 67
   Mohalla New Dhirwali
   Jwalapur Paragna Jwalapur
   Tehsil & District Haridwar .... Respondents

Sri Navneet Kaushik, learned counsel for the applicant
Sri Bhuvnesh Joshi, learned counsel for the respondent No. 3

Hon'ble B.C. Kandpal, J.

This petition has been filed by the petitioner who is the husband of respondent No. 3 – Sandhya Sharma for quashing the proceeding in Case Crime No. 389 of 2004 State Vs Raveendra Kumar Sharma under Section 498-A I.P.C. and 3/4 of the Dowry Prohibition Act pending in the court of Chief Judicial Magistrate, Haridwar.

2. Heard Sri Navneet Kaushik, learned counsel for the applicant, Sri Bhuvnesh Joshi holding brief of Sri Vivek Shukla, learned counsel for the respondent No. 3 and perused the record.

3. It has been averred in the counter affidavit that both the parties have arrived at compromise and they have settled their dispute. It has also been alleged that the chargesheet submitted against the applicant – husband in Case Crime No. 389 of 2004 State Vs Raveendra Kumar

Sharma under Section 498-A I.P.C. and 3/4 of the Dowry Prohibition Act pending in the court of Chief Judicial Magistrate, Haridwar may be quashed.

4. Keeping in view the aforesaid facts and circumstances of the case, I think, that there is no justification for continuing the criminal proceedings.

5. Therefore, in the light of the compromise arrived at between the parties as well as in the light of the direction issued by Hon'ble Supreme Court reported in ***2003 SCC (Criminal) page 848 B.S. Joshi and others Vs. State of Haryana & another*** wherein it is observed:-

> *"There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code."*
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> *In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers u/s 482 of the Code."*

I am of the view that the petition filed under Section 482 Cr.P.C. should be disposed of in the light of the aforesaid decision.

6. The petition under Section 482 Cr.P.C. is disposed of in terms of the compromise arrived at between the parties.

7. Accordingly, the criminal proceedings in Case Crime No. 389 of 2004 State Vs Raveendra Kumar Sharma under Section 498-A I.P.C. and 3/4 of the Dowry Prohibition Act pending in the court of Chief Judicial Magistrate, Haridwar is hereby quashed.

(B.C. Kandpal, J.)

15.07.2006
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